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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,790	09/15/2003	Rudolph Bergsma	02-ASD-332 (GT)	9516
200	7590	12/01/2005	EXAMINER	
EATON CORPORATION EATON CENTER 1111 SUPERIOR AVENUE CLEVELAND, OH 44114			BRYANT, DAVID P	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,790

Applicant(s)

BERGSMA ET AL.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Foltz (US6308735) in view of Bergsma (US4960153).

Regarding claims 1 and 5, Foltz teaches a method of mounting a pass-through **12** on a plastic fuel tank **16** of the type having an embedded vapor barrier comprising: (a) forming an access opening **30** in the wall of the tank and exposing an edge of the vapor barrier about the periphery of the opening **30**, (b) disposing a locking ring **21** over the access opening **30** and welding (col. 5, lines 9-10) the ring **21** to the exterior of the tank **24**; (c) providing a pass-through **12** with a resilient seal ring **64** thereon, (d) disposing portions of the pass-through **12** in the access opening **30** and locating the sealing ring, and, (e) securing the pass-through **12** against the ring **21** and retaining the sealing ring.

Foltz teaches the invention cited with the exception of locating the sealing ring on the exposed edge of the vapor barrier.

Bergsma teaches that it is known to place a seal between the edges of the hole and valve of a fuel tank (col. 1, lines 30-32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have placed the seal of Foltz on the exposed edge of the vapor barrier, in light of the teachings of Bergsma, in order to create a tight seal for preventing leakage as suggested by Bergsma (col. 1, lines 32-34 of Bergsma) and that since Foltz teaches in col. 4, lines 13-17 that the gasket **64** could be placed in different locations. Foltz states that “It will be appreciated that this sealed end connection could be accomplished in a number of different ways as long as fuel vapor or liquid fuel is unable to escape fuel tank **16** through the joint between flange **58** and body portion **18**. Therefore, the gasket **64** of Foltz could easily be placed at the edge of the hole **30**.

Regarding claims 2-3, Foltz teaches the invention cited with the exception of providing a twist locking attachment. It is noted that Foltz teaches a snap fit attachment at **74,112**.

However, Bergsma teaches a twist locking attachment **40,23**.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Foltz with a twist locking attachment, in light of the teachings of Bergsma, in order to provide locking in the rotational direction. Note the ratcheting surfaces of Bergsma **24,40**.

Regarding claim 4, 7 and 8, the valves of Bergsma and Foltz are one way valves because fuel tanks typically have one way valves. Alternatively, official notice is taken that it was well known to a person of ordinary skill in the art, at the time of the invention, to have provided a one way valve, in order to prevent leakage back into the fuel tank. Regarding claim 8, note that the element to the right of lead line **224** in figure 9 is also a one way valve. The element to the left of lead line **212** could be considered a seal between the pass through and valve.

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Regarding claim 6, note the annular groove at the V shaped edge to the right of lead line 213 in figure 10.

Regarding claim 9, the locking ring is first mechanically attached to pass through and subsequently welded in place (col. 6, lines 3-10).

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number (571) 272-4530. The examiner can normally be reached on Monday-Friday between 5:30 a.m.-2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached at (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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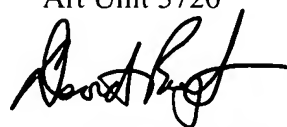
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Date: 6/14/05

MJ



Marc Jimenez
Primary Examiner
Art Unit 3726



David P. Bryant
Primary Examiner